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NOTIFICATION.

No. L.D. 1527—Legis. 5-51-68, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1551, dated the 1st October, 1951 of the Ministry of Labour, the Industrial Disputes (Appellate Tribunal) Rules, 1951 published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR.

New Delhi, the 1st October 1951.

S.R.O. 1551.—In exercise of the powers conferred by section 35 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), and in supersession of the notification of the Government of India in the Ministry of Labour No. LR91 (3), dated the 8th August 1950, the Central Government hereby makes the following rules :—

1. *Short title.*—These rules may be called the Industrial Disputes (Appellate Tribunal) Rules, 1951.

2. *Definition.*—In these rules,—

(*a*) "Act" means the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950);
(*b*) "Form" means a form appended to these rules;
(*c*) "Section" means a section of the Act;
(*d*) "Tribunal" means the Labour Appellate Tribunal constituted by the Central Government under section 4 of the Act; and includes where the context so requires a Bench of the Tribunal constituted under section 8(1) of the Act.
(*e*) "Chairman" means the Chairman of the Tribunal;
(*f*) "Registrar" means the person who for the time being is discharging the functions of the Registrar of the Tribunal.

3. *Form of appeal.*—Every appeal shall be preferred to the Tribunal in Form 'A' and shall be signed by the appellant or his authorised agent.

NOTE.—A party shall not be allowed to file a memorandum of cross-objections.

4. *Presentation.*—(1) A memorandum of appeal to the Tribunal may be presented in person or by an authorised agent to the Registrar or to an Officer authorised in this behalf by the Chairman or by the Registrar with the approval of the Chairman at the seat of the Tribunal within the region from which the appeal arises or sent by registered post acknowledgment due addressed to the Registrar or such Officer to that place.

(2) Where a memorandum of appeal is sent by registered post an acknowledgment of its receipt shall be sent to the appellant by registered post specifying the date of receipt.

(3) Every memorandum of appeal shall be presented in triplicate and shall be accompanied by—

(*a*) either a copy of the gazette in which the award or decision appealed from has been published or by a certified copy of such award or decision, and two other typed copies thereof;

(*b*) As many copies of the memorandum of appeal as there are respondents for service on the respondents; and

(*c*) a fee of Rs. 25.

Provided that the Tribunal may at its discretion and subject to such conditions as it may impose, accept a memorandum of appeal which is not accompanied by the documents referred to above. But the appeal shall not be registered till the conditions imposed are complied with.

NOTE.—The provisions of Order XLIV of the Code of Civil Procedure will not be applicable.

5. *Date of presentation.*—Where a memorandum of appeal is presented, the Registrar or other authorised officer shall endorse thereon the date of its presentation:

Provided that where a memorandum of appeal is sent by registered post, it shall be deemed to have been presented on the day on which it is received in the office of the Registrar or, as the case may be in the office of the authorised Officer.

6. *Signature on Memorandum.*—In the case of an appeal by a corporation, the memorandum of appeal may be signed by the Secretary or by any Director or other principal officer of the Corporation, and in the case of an appeal by a firm a memorandum of appeal may be signed by any partner of the firm.

7. *Signature by authorised representative.*—(1) Where a memorandum of appeal is signed by an authorised agent of the appellant such agent shall annex to it the document constituting his authority and his acceptance of it.

(2) *A Court Fee* of Re. 1 shall be payable in respect of every such document.

3. *Amendment of Memorandum of Appeal.*—(1) Where a memorandum of appeal is not drawn up in the manner prescribed, the tribunal shall return it to the appellant for amendment then and there or within a time to be fixed by the tribunal.

(2) The Tribunal may for sufficient cause extend the time so fixed whether before or after its expiry.

(3) If the memorandum of appeal is not amended by the appellant as directed by the Tribunal, or within the time allowed by it, it shall be rejected.

(4) Where a memorandum of appeal is amended the Tribunal or such officer as it may appoint in this behalf shall sign or initial such amendment.

9. *Preliminary hearing of the Appeal.*—Where the Tribunal chooses to proceed under sub-section 2 of Section 9 of the Act, it shall fix the date, time and place of the hearing of the appeal and shall notify the same, to the appellant. Such notice shall be given by registered post.

10. *Service of the notice of Appeal.*—(1) Where the Tribunal does not choose to proceed under sub-section (2) of section 9 of the Act or does not dismiss the appeal under that section, it shall fix a date, time and place for the hearing of the appeal and notify the same to the appellant by registered post. It shall also serve

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on the respondent a notice in Form 'B' specifying the date, time and place of the hearing of the appeal.

(2) Notice of the date fixed under sub-rule (1) shall be affixed in the premises where the Tribunal sits.

11. *Manner of service on the respondent.*—(1) Notice of the date fixed under rule 10 shall be served on the respondent by registered post or in the manner provided for the service on a defendant of a summons under the Code of Civil Procedure if the Tribunal so directs:

NOTE.—Refusal to accept notice sent by registered post may be taken to be sufficient service.

12. *Dismissal for default and* ex parte *hearing:*—(1) Where on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or his authorised agent does not appear when the appeal is called on for hearing the Tribunal *may* make an order that the appeal be dismissed.

(2) Where the appellant or his authorised agent appears but the respondent or his authorised agent does not appear, the appeal may be heard *ex parte.*

13. *Procedure on hearing.*—(1) On the date fixed or any other date to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

14. *Restoration of appeal and setting aside* ex parte *decision.*—(1) The Tribunal may, for sufficient cause, set aside after notice to the opposite party the order of dismissal of the appeal for default of appearance or the *ex parte* decision, either wholly or in part as the case may be, on an application made within *fifteen* days of the order of dismissal or of the *ex parte* decision, as the case may be. The Tribunal may extend the time on sufficient cause being shown.

(2) Such an application must be supported by an affidavit.

15. *Power to adjourn hearing and direct persons interested to be added as parties.*—(1) Where it appears to the Tribunal at the hearing that any person who was a party to the proceedings relating to the award or decision appealed from but who has not been made a party to the appeal is interested in the result of the appeal, or

Where a party to the appeal dies during the pendency of the appeal and the Tribunal is of opinion that his legal representative is interested in the subject matter of the appeal or in a part thereof, the tribunal may adjourn the hearing to a future date to be fixed by it and direct such person or the legal representative of a deceased party, as the case may be to be made a party to the appeal.

(2) Where during the pendency of an appeal, an assignment, transfer or devolution of any interest in the subject matter of the appeal has taken place, the appeal may be continued by leave of the Tribunal by or against the person to or upon whom such interest has been assigned, transferred or devolved.

16. *Power of the Tribunal to take additional evidence.*—(1) The parties to the appeal shall not be entitled to adduce additional evidence, whether oral or documentary, before the Tribunal except where the Industrial Tribunal has refused to admit that evidence or decided the case without giving reasonable opportunity to the party to adduce it.

(2) If the Tribunal considers such evidence to be material it may either take such evidence or direct the Industrial Tribunal from whose award or decision the appeal is preferred or any other Industrial Tribunal to take such evidence and send it when taken to the Tribunal.

17. (1) The Tribunal may at any stage of the appeal call for and admit such additional evidence as it may consider necessary or direct the Industrial Tribunal from whose award or decision the appeal is preferred or any other Industrial Tribunal to take such evidence and send it when taken to the Tribunal.

(2) The Tribunal shall record its reasons for admitting the additional evidence.

18. *Order on appeal.*—(1) The Tribunal may after hearing the parties, pronounce judgment either at once or at some future date of which notice shall be given to the parties.

(2) If the delivery of the judgment is postponed to a future date it shall not be necessary for all the members of the Tribunal who heard the appeal to sit together for the delivery of the judgment and any one member thereof shall be entitled to deliver the judgment in the absence of the other or others provided that it is previously signed by the absentee members or members of the Tribunal who heard the appeal.

19. Every complaint under section 23 of the Act shall be presented in Form E appended to these Rules and shall be supported by an affidavit regarding the facts stated sworn in the manner provided for by the Rules made by the Tribunal under sub-section (10) of section 9 of the Act. It shall also be accompanied by three copies of the complaint and annexures for the use of the Tribunal and as many copies of the same as there are opposite parties to the complaint.

20. Costs ordered to be paid by the Appellate Tribunal or the Industrial Tribunal by any party shall be recoverable as arrears of land revenue or as a public demand.

21. A *Court Fee* of Re. 1 shall be paid in respect of every affidavit filed before the Tribunal.

22. Every person who is summoned and duly attends as a witness before the Tribunal, shall be entitled to an allowance for meeting his travelling and other expenses according to the scale for the time being in force with respect to witnesses in civil courts, in the State where the appeal is heard.

23. A summons issued by the Tribunal requiring any person to give evidence and/or to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under appeal before the Tribunal which it thinks necessary for the purpose of such appeal shall be in Form 'C'.

24. Any notice, summons, process or order issued by the Tribunal may be served by registered post.

25. Any worker or employer desirous of being represented by another under sections 33(1)(*c*) and 33(2)(*c*) respectively of the Act shall authorise such other person in writing in Form 'D'.

26. The Tribunal may correct clerical mistakes or errors arising from an accidental slip or omission in its decision.

27. The language of the Tribunal shall be English.

28. (1) Copying fees shall be charged as follows :—

(*a*) For the first 200 words or less, 12 annas.

(*b*) For every additional 100 words or fraction thereof, 6 annas.

(2) For certifying a copy of a fee of Re. 1 shall be payable.

(3) Copying and certifying fees shall be paid in advance in cash.

(4) Where a party applies for immediate delivery of a copy, the fees chargeable shall be 50 per cent more than that specified in sub-rule (1).

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HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'A'

Before the Honourable Labour Appellate Tribunal [Constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950.]

Memorandum of Appeal to the Tribunal

Appeal No. ..... of 195 .

A ..... Appellant/s

Address :—

versus

B .....Respondent/s

Address :—

In the matter of..... .....the appellant/s above-named beg/s to appeal against the award or decision of ..... made on..... .....in the above matter on the following amongst other grounds :—

1. That.....
2. That.....etc.

Certified copy of the award or decision appealed against (together with two spare copies) is enclosed herewith.

(1) Signature or thumb-impression of appellant/s

Date .....

I/the appellant/s does/do solemnly declare that what is stated in paragraph..... .....above is true to my knowledge, in paragraph ....., to my belief and in paragraph.....to my information. This verification is signed at..... on .....day of .....195 .

(2) Signature or thumb-impression of appellant/s or his/their authorised representative

agent

Signature etc.

Drafted by

Place

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HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'B'

To

.....

.....

.....

TAKE NOTICE that an appeal from the award or.....
decision of.....
has been presented by.....
and registered in this Tribunal and that the.....
day of .....195.....has been fixed by this Tribunal for the hearing
of this appeal at.....o'clock.....
at.....

If no appearance is made on your behalf by yourself or by your authorised representative, it will be heard and decided in your absence.

Registrar,

Dated..... LABOUR APPELLATE TRIBUNAL

HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'C'

Appeal from the..... .....of industrial Tribunal
of.....dated the.....
..... Appellant/s.

versus

..... Respondent/s.

Whereas the above appeal has been presented to this Tribunal and whereas your attendance is required, you are hereby summoned to appear before this Tribunal in person on the.....
day of..... .....at..... o'clock
at.....to *answer all material questions relating to the said appeal and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under appeal before this Tribunal.

Registrar,

Dated..... LABOUR APPELLATE TRIBUNAL

*Portions not required, to be deleted while issuing the Summons.

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HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'D'

Appeal No. ..... of .....

....Appellant/s

versus

..... Respondent/s

In the matter of.....

To

The Registrar,

Labour Appellate Tribunal.

Dear Sir,

Be pleased to note that I/we have appointed Mr. .....to appear for me/us in the above matter.

Dated this.....day of.. .....195 .

Yours faithfully,

(Signature)

Address :

Accepted.

(Signature)

Address :

HONOURABLE LABOUR APPELLATE TRIBUNAL

FORM 'E'

Before the Honourable Labour Appellate Tribunal.

Complaint under section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950.

A .....Complaint(s)

Address :—

versus

B .....Opposite Party(ies).

Address :—

In the matter of the Award or Decision of.....made on .....in the above matter.

The petitioner(s) beg(s) to complain that the Opposite Party(ies) has/have been guilty of the contravention of the provisions of Section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950) as shown below.

(Here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged.)

The complaint(s) accordingly pray(s) that the Honourable Tribunal may be pleased to decide the complaint set out above and pass such order or orders as to it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 19 of the Industrial Disputes (Appellate Tribunal) Rules, 1951, are submitted herewith.

(Signed)

Dated.....this.....day of.....195 .

[No. LR91 (3).]

S. NEELAKANTAM, Dy. Secy.

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